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11  
12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 Xiao Ye Bai,

15 Plaintiff,

16 v.

17 Calvin Johnson, *et al.*,

18 Defendants.

Case No. 2:20-cv-02192-RFB-EJY

**Stipulation to Suspend Discovery**

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20 Pursuant to FRCP 16(b)(4) and Local Rule 26-4, the parties stipulate and agree  
21 to modify/extend the Scheduling Order (ECF No. 176). This would be the third  
22 stipulation for a revised scheduling order. This stipulated proposed order is made in  
23 good faith and is supported by good cause.  
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25  
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**STATEMENT OF FACTS IN SUPPORT OF STIPULATION**

On March 31, 2025, this Court entered an order denying Defendants' Motion to Dismiss Mr. Bai's Third Amended Complaint. ECF No. 177. On April 15, Defendants filed a Notice of Appeal regarding this order, stating their intent to seek an interlocutory appeal. ECF No. 178.

At the time of the Third Amended Complaint, discovery was ongoing in this case pursuant to the scheduling order approved at ECF No. 176. Having conferred, and for good cause appearing, the parties would hereby stipulate that this discovery schedule may be suspended for (a) 180 days or (b) until the conclusion of the appeal, whichever occurs first. There is good cause for this stipulation because both parties wish to avoid conducting discovery whilst litigating matters regarding this appeal. This stipulation does not constitute a concession by either party regarding (a) the Court's jurisdiction pending the filing of the appeal<sup>1</sup> or (b) the merits of the appeal.

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<sup>1</sup> Defendants believe this Court lacks jurisdiction over this matter because the filing of the notice of appeal vests jurisdiction with the Ninth Circuit Court of Appeals. However, in the interests of justice and in accord with Fed. R. Civ. P. Defendants have agreed to stipulate to this request.

**CONCLUSION**

Based on the foregoing and for good cause appearing, the Parties respectfully request that the Court approve their Stipulation and suspend discovery for (a) 180 days or (b) until the conclusion of the appeal noticed in ECF No. 178, whichever occurs first.

Dated April 17, 2025:

Aaron D. Ford  
Attorney General

*/s/ Leo T. Hendges*

Leo T. Hendges  
Senior Deputy Attorney General

Rene L. Valladares  
Federal Public Defender

*/s/ Ryan Norwood*

Ryan Norwood  
Assistant Federal Public Defender

IT IS SO ORDERED:

  
U.S. MAGISTRATE JUDGE

Dated: April 17, 2025